RQ-2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 2008

Leonard Cullo, Treasurer
H.J. Heinz Company Political Action Committee
1 PPG Place, Suite 3100
Pittsburgh, PA 15222

Response Due Date:
November 24, 2008

Identification Number: C00336040

Reference: October Quarterly Report (7/1/08-9/30/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 4 items:

1. Schedule B supporting Line 23 of your report discloses one or more contributions to a candidate(s) for the 2008 Primary election; however, the funds were disbursed after the election date(s) (see attached). Please note that contributions may not be designated for an election which has already occurred unless the funds are to be used to reduce a candidate committee's debts incurred during that election campaign.

If any apparently impermissible contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If the contribution(s) in question should have been designated for debt retirement, you should amend your report to indicate "debt retirement," along with the year of election.

If you have made an impermissible contribution, you must request a refund or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. 11 CFR §110.1(b)

Although the Commission may take further legal action regarding this impermissible activity, your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

2. The totals listed on Lines 7, 23, 31, and 32, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This Period" figure from Column A to derive the correct Column B totals. Please amend your report and any subsequent reports that may be affected by this correction.

3. Your calculations for Line 8 appear to be incorrect. Cash-on-hand at the close of the current reporting period should always equal the closing calendar year-to-date cash-on-hand amount. Please provide the corrected total on the Summary Page.

4. Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of $200 in a calendar year. (11 CFR §104.3(a)(4)(i)) Identification for an individual is defined as the full name, mailing address, occupation and name of employer. (11 CFR §100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR §104.7(b)(1))

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur <u>no later than 30 days</u> after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The request must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you shall either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR §104.7(b)(4))

Please provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1153.

Sincerely,

Kristin DeCarmine

Kristin DeCarmine
Senior Campaign Finance Analyst
Reports Analysis Division

Recipient Name	Date	Amount	Election	Election State - Date
Schmidt For Congress Committee	7/08/08	$1,000	P-2008	OH-3/04/08
Pete Sessions For Congress 2004	7/08/08	$1,000	P-2008	TX-3/04/08
Loebsack For Congress	7/24/08	$1,000	P-2008	IA-6/03/08
Sestak For Congress	7/25/08	$1,000	P-2008	PA-4/22/08
Simpson For Congress	8/06/08	$1,000	P-2008	ID-5/27/08
Boyd For Congress	9/09/08	$2,000	P-2008	FL-8/26/08
Mcnerney For Congress	9/09/08	$1,000	P-2008	CA-6/03/08
Texans For Senator John Cornyn Inc	9/09/08	$3,000	P-2008	TX-3/04/08
Walden For Congress Inc	9/09/08	$3,000	P-2008	OR-5/20/08
Chambliss For Senate	9/19/08	$2,000	P-2008	GA-7/15/08
Latta For Congress	9/19/08	$2,000	P-2008	OH-3/04/08
Friends Of Dick Durbin Committee	9/19/08	$1,000	P-2008	IL-2/05/08
Committee To Re-Elect Henry Hank Johnson	9/19/08	$1,000	P-2008	GA-7/15/08
Schmidt For Congress Committee	9/19/08	$1,000	P-2008	OH-3/04/08
Friends Of Dennis Cardoza	9/19/08	$2,000	P-2008	CA-6/03/08
Simpson For Congress	9/19/08	$2,000	P-2008	ID-5/27/08
Stabenow For Us Senate	9/29/08	$1,000	P-2008	MI-8/05/08
Friends Of Senator Carl Levin	9/29/08	$2,000	P-2008	MI-8/05/08